

May 16, 2023

**Via ECF**

Hon. Peggy Kuo  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: *Burks et al. v. Gotham Process Inc., et al.*, No. 20 Civ. 1001 (NLM)(PK)**

Dear Judge Kuo:

We represent Plaintiffs and the putative class in the above-referenced action, and write with consent of all Parties. The deadline to substitute a representative for deceased Plaintiff Rhonda Drye expired yesterday, May 15, 2023. *See* Order (Apr. 28, 2023). Fed. R. Civ. P. 25(a)(1) provides that if no substitution has been timely filed, the decedent's claims "must be dismissed." As no representative for Ms. Drye has been substituted, the Parties request that Your Honor dismiss all of Ms. Drye's claims against all Defendants with prejudice. A Proposed Order is attached for the Court's convenience.

Our office has been in communication with Ms. Drye's three children and we have explained to them the nature of this request. They have raised no objection.

As Your Honor is aware, MJRF and Plaintiffs have signed a stipulation of settlement that would resolve the named plaintiffs' and putative class's claims against MJRF. This stipulation is contingent on the dismissal with prejudice of Ms. Drye's claims. As part of the settlement with MJRF, Plaintiffs are reserving their right to seek a payment of a service award to Ms. Drye's children; of course, any such request would need to be approved by the Court at the appropriate time in connection with a motion for Final Approval of the Settlement. Additionally, the Process Server Defendants and Plaintiffs have reached a settlement in principle that we are in the process of memorializing.

The Parties respectfully request that Your Honor enter the attached proposed order at your earliest convenience, so that the status of Ms. Drye's claims can be finally resolved and Plaintiffs can thereafter make an application for preliminary approval of the settlements with MJRF and the Process Server Defendants. If Your Honor has any questions regarding this request, the Parties will make themselves available promptly.

Sincerely.

/s/ Jessica Ranucci  
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